

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:
RODOLFO MANCILLA ESCALANTE
EMILIA ESCALANTE

CASE NO. 04-34285-H5-13

DATE: Sep 24, 2009

DEBTORS

**TRUSTEE'S MOTION FOR AUTHORITY TO PAY FUNDS INTO THE REGISTRY
OF THE COURT**

William E. Heitkamp, Chapter 13 Trustee would show the Court as follows:

1.

More than ninety days have lapsed since the date of the distribution of funds by the Trustee, and the check to the party below in the amount indicated remains outstanding according to the of the Trustee. Pursuant to 11 U.S.C. Sec. 347, the Trustee has payment on the check which was written to the following party in the captioned case:

| | | | |
|----------------|--------|----------------------------|--|
| Check#: | 556928 | Name & Address: | RODOLFO MANCILLA ESCALANTE 7402 SHADY VALE HOUSTON, TX 77040 |
| Amount: | \$5.00 | | |

The Trustee proposes to pay the amount indicated over to the Registry for disposition pursuant to Chapter 129 of Title 28 U.S. Code.

2.

The Trustee requests entry of an order authorizing the payment of foregoing amount to the Clerk.

3.

The Trustee would show that the relief requested is administrative in nature, and that no notice of this motion need be given to the parties in interest in the case. The Trustee would show that he has diligently attempted to notify each party of the existence of these funds, that such efforts have been unsuccessful, and that further attempts to notify the payees would be futile.

Wherefore, premises considered, the undersigned Trustee prays that the Court enter an order authorizing the deposit of the funds above into the registry of the Court.

Dated: Sep 24, 2009

Respectfully,

/s/ William E. Heitkamp

William E. Heitkamp, Trustee
Admissions I.D. #3857
9821 Katy Freeway Suite 590
Houston, TX 77024
713-722-1200

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing pleading was served upon the U.S. Trustee, either first class mail on Sep 24, 2009, or by electronic noticing pursuant to the Local Bankruptcy Rules.

/s/ William E. Heitkamp

William E. Heitkamp, Trustee